



HOUSE OF REPRESENTATIVES

COMMITTEE ON JUDICIARY

REP. GRAHAM FILLER

CHAIR

COMMITTEE MEETING MINUTES

Wednesday, September 16, 2020 10:15 AM Room 519, House Office Building

The House Committee on Judiciary was called to order by Chair Filler.

The Chair requested attendance be called:

Present: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Absent: None.

Excused: None.

Representative Howell moved to adopt the meeting minutes from September 15, 2020. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 6030, HB 6031, HB 6032 and HB 6101 before the committee:

HB 6030 (Rep. Albert)

A bill to provide minimum requirements for claims alleging exposure to COVID-19; establishing liability standards for claims alleging exposure to COVID-19; precluding liability if conduct complies with regulations, orders, or public health guidance; and limiting liability with respect to certain products made, sold, or donated in response to COVID-19.

HB 6031 (Rep. Brann)

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," (MCL 408.1001 to 408.1094) by adding section 85.

HB 6032 (Rep. Filler)

A bill to prohibit an employer from taking certain actions against an employee who does not report to work under certain circumstances related to COVID-19; to prohibit an employee from reporting to work under certain circumstances

related to COVID-19; to prohibit discrimination and retaliation for engaging in certain activities; to provide remedies; and to repeal acts and parts of acts.

HB 6101 (Rep. Byrd)

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," (MCL 408.1001 to 408.1094) by adding sections 85 and 85a.

The following people submitted a card in support of HB 6030, HB 6031, HB 6032 and HB 6101, but did not wish to speak:

Ed Eickhoff, representing the International Council of Shopping Centers.

John Dulmes, representing the Michigan Chemistry Council.

Rich Farran, representing the Health Care Association of Michigan.

Wendy Block, representing the Michigan Chamber, testified in support of HB 6030, HB 6031, HB 6032 and HB 6101. Questions and discussion followed.

Representative LaFave moved to adopt substitute (H-3) to HB 6030. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaGrand offered the following amendments to HB 6030:

1. Amend page 5, line 9, by striking out all of section 4.

2. Amend page 5, line 16, after "operates" by striking out the balance of the line through "harm" on line 19 and inserting "in compliance with federal and state statutes or regulations, executive orders, and state agency orders and consistent with public health guidance, that are applicable at the time to the conduct or risk that allegedly caused harm,".

Representative LaGrand moved to adopt the amendments to HB 6030. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report House Bill No. 6030 as amended, as substitute (H-4). The motion prevailed 8-3-2:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak.

Nays: Reps. Guerra, Yancey, Bolden.

Pass: Reps. LaGrand, Elder.

Representative LaFave moved to adopt substitute (H-4) to HB 6031. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report out HB 6031 with recommendation, as substitute (H-4). The motion prevailed 8-3-2:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak.

Nays: Reps. Guerra, Yancey, Bolden.

Pass: Reps. LaGrand, Elder.

Representative LaFave moved to adopt substitute (H-2) to HB 6032. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report out HB 6032 with recommendation, as substitute (H-2). The motion prevailed 8-3-2:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak.

Nays: Reps. Guerra, Yancey, Bolden.

Pass: Reps. LaGrand, Elder.

Representative LaFave moved to adopt substitute (H-2) to HB 6101. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report out HB 6101 with recommendation, as substitute (H-2). The motion prevailed 8-3-2:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak.

Nays: Reps. Guerra, Yancey, Bolden.

Pass: Reps. LaGrand, Elder.

The Chair laid HB 6159 before the committee:

HB 6159 (Rep. Hauck)

A bill to provide immunity for health care providers and health care facilities in the event of a pandemic; and to clarify the time frame for the immunity.

The following people submitted a card in support of HB 6159, but did not wish to speak:

Dalton Herbel, representing the Leading Age Michigan.

John Shaski, representing the Sparrow Health Systems.

Representative Elder offered the following amendment to HB 6159:

1. Amend page 3, following line 13, by inserting:

"Sec. 6. This act does not apply to claims covered by the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.101 to 418.941.".

Representative Elder moved to adopt the amendment to HB 6159. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report House Bill No. 6159 as amended, as substitute (H-1). The motion prevailed 9-3-1:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, Elder.

Nays: Reps. LaGrand, Guerra, Bolden.

Pass: Rep. Yancey.

At 10:41 AM, the Chair laid the committee at ease.

At 10:42 AM, the Chair called the committee back to order.

The Chair laid HB 4676 before the committee:

HB 4676 (Rep. Anthony)

A bill to prohibit the recording of deeds or other instruments relating to real property that contain certain restrictive covenants or conditions; to make such restrictions unenforceable; and to provide remedies with respect to those instruments.

Representative Howell moved to report out House Bill No. 4676 with the recommendation that the bill be referred to the Committee on Local Government and Municipal Finance. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

The Chair laid HB 5464 before the committee:

HB 5464 (Rep. Lightner)

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 6e to chapter V.

Representative Lightner and Jeff Clayton, representing the American Bail Coalition, testified in support of HB 5464. Questions and discussion followed.

The Chair laid HB 6169 and HB 6170 before the committee:

HB 6169 (Rep. VanSingel)

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 552b (MCL 750.552b), as added by 1996 PA 232.

HB 6170 (Rep. VanSingel)

A bill to amend 1909 PA 17, entitled "An act to prohibit or limit the access by prisoners and by employees of correctional facilities to certain weapons and wireless communication devices and to alcoholic liquor, drugs, medicines, poisons, and controlled substances in, on, or outside of correctional facilities; to prohibit or limit the bringing into or onto certain facilities and real property, and the disposition of, certain weapons, substances, and wireless communication devices; to prohibit or limit the selling, giving, or furnishing of certain weapons, substances, and wireless communication devices to prisoners; to prohibit the control or possession of certain weapons, substances, and wireless communication devices by prisoners; and to prescribe penalties," by amending sections 1a and 3a (MCL 800.281a and 800.283a), section 1a as amended by 1998 PA 514 and section 3a as amended by 2012 PA 255.

Representative Van Singel testified in support of HB 6169 and HB 6170. Questions and discussion followed.

The Chair laid HB 5846, HB 5847, HB 5848, HB 5849, HB 5850, HB 5851, HB 5852, HB 5853 and HCR 29 before the committee:

HB 5846 (Rep. Kahle)

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 204a, 208, 303, 304, 315, 317, 319, 320d, 320e, 321a, 323d, 328, 732a, 732b, 904, and 907 (MCL 257.204a, 257.208, 257.303, 257.304, 257.315, 257.317, 257.319, 257.320d, 257.320e, 257.321a, 257.323d, 257.328, 257.732a, 257.732b, 257.904, and 257.907), section 204a as amended by 2016 PA 332, section 208 as amended by 2006 PA 565, sections 303 and 320d as amended by 2012 PA 498, section 304 as amended by 2018 PA 48, section 315 as amended by 2008 PA 7, section 317 as amended by 2018 PA 566, section 319 as amended by 2016 PA 358, section 320e as amended by 2003 PA 152, section 321a as amended by 2017 PA 236, section 323d as added by 1993 PA 359, section 328 as amended by 2015 PA 135, sections 732a and 732b as amended by 2018 PA 50, section 904 as amended by 2018 PA 212, and section 907 as amended by 2015 PA 126; and to repeal acts and parts of acts.

HB 5847 (Rep. Meerman)

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 701 and 703 (MCL 436.1701 and 436.1703), section 701 as amended by 2020 PA 78 and section 703 as amended by 2019 PA 131.

HB 5848 (Rep. Lasinski)

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3303 and 3320 (MCL 500.3303 and 500.3320), section 3303 as amended by 1980 PA 461 and section 3320 as amended by 2012 PA 204.

HB 5849 (Rep. Mueller)

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 151d (MCL 600.151d), as amended by 2011 PA 234.

HB 5850 (Rep. Warren)

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 28, 29, 30, 44, and 45 (MCL 552.628, 552.629, 552.630, 552.644, and 552.645), sections 28, 29, and 30 as amended by 2009 PA 193 and sections 44 and 45 as amended by 2014 PA 378.

HB 5851 (Rep. Yancey)

A bill to amend 1978 PA 368, entitled "Public

health code," by amending section 7408a (MCL 333.7408a), as amended by 2012 PA 501.

HB 5852 (Rep. Stone)

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1e (MCL 769.1e), as amended by 2000 PA 220.

HB 5853 (Rep. Kahle)

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 208b, 215, 217, 217c, 226a, 233, 233a, 234, 239, 244, 248, 248f, 251, 252a, 255, 256, 301, 306, 310, 311, 312, 312a, 315, 317, 324, 325, 326, 328, 503, 624b, 675, 677a, 682c, 698, 707c, 722, 724, 728d, 904, 904a, 904e, 905, and 907 (MCL 257.208b, 257.215, 257.217, 257.217c, 257.226a, 257.233, 257.233a, 257.234, 257.239, 257.244, 257.248, 257.248f, 257.251, 257.252a, 257.255, 257.256, 257.301, 257.306, 257.310, 257.311, 257.312, 257.312a, 257.315, 257.317, 257.324, 257.325, 257.326, 257.328, 257.503, 257.624b, 257.675, 257.677a, 257.682c, 257.698, 257.707c, 257.722, 257.724, 257.728d, 257.904, 257.904a, 257.904e, 257.905, and 257.907), section 208b as amended by 2019 PA 88, sections 217 and 233 as amended by 2014 PA 290, section 217c as amended by 2018 PA 108, section 226a as amended by 2006 PA 516, section 233a as amended by 2000 PA 82, section 234 as amended by 2002 PA 552, section 244 as amended by 2013 PA 231, section 248 as amended by 2018 PA 420, section 248f as amended by 2006 PA 298, section 251 as amended by 2012 PA 498, section 252a as amended by 2018 PA 347, section 255 as amended by 2018 PA 64, section 256 as amended by 1987 PA 34, section 301 as amended by 2011 PA 159, sections 306 and 324 as amended by 2015 PA 11, section 310 as amended by 2018 PA 177, section 311 as amended by 1983 PA 63, section 312 as amended by 2000 PA 456, section 312a as amended by 2016 PA 318, section 315 as amended by 2008 PA 7, section 317 as amended by 2018 PA 566, section 328 as amended by 2015 PA 135, section 503 as added by 2013 PA 218, section 624b as amended by 2003 PA 61, section 675 as amended by 2018 PA 179, section 682c as added by 2012 PA 262, section 698 as amended by 2018 PA 342, section 722 as amended by 2018 PA 274, section 724 as amended by 2018 PA 651, section 904 as amended by 2018 PA 212, section 904a as amended by 1985 PA 53, section 904e as amended by 1999 PA 73, section 905 as added by 1980 PA 518, and section 907 as amended by 2015

PA 126; and to repeal acts and parts of acts.

HCR 29 (Rep. LaFave)

A concurrent resolution opposing the enactment and enforcement of a state law, under a federal mandate, that requires the suspension or revocation or the delay of issuance or reinstatement, of a driver's license to an individual convicted of a drug offense.

Representative Yancey, Representative Stone, Representative Kahle, Representative Mueller, and Representative LaFave testified in support of HB 5846, HB 5847, HB 5848, HB 5849, HB 5850, HB 5851, HB 5852, HB 5853 and HCR 29.

David Guenther Mackinac Center, representing the Kimberly Buddin ACLU, testified in support of HB 5846, HB 5847, HB 5848, HB 5849, HB 5850, HB 5851, HB 5852, HB 5853 and HCR 29. Questions and discussion followed.

Geoffrey Leonard, representing the Detroit Justice Center, testified in support of HB 5846, HB 5847, HB 5848, HB 5849, HB 5850, HB 5851, HB 5852, HB 5853 and HCR 29.

The following people submitted a card in support of HB 5846, HB 5847, HB 5848, HB 5849, HB 5850, HB 5851, HB 5852 and HCR 29, but did not wish to speak:

Tom Boyd, representing the State Court Administrator.

The following people submitted a card in support of HB 5846, HB 5847, HB 5848, HB 5849, HB 5850, HB 5851 and HB 5852, but did not wish to speak:

Meghann Keit, representing the Michigan Association of Counties.

The following people submitted a card in support of HB 5846, HB 5847, HB 5848, HB 5849, HB 5850, HB 5851, HB 5852 and HB 5853, but did not wish to speak:

Kathy Hagenian, representing the Michigan Coalition to End Domestic and Sexual Violence.

Suzanne Connor, representing the Traverse City Human Rights Commission..

Alex Rossman, representing the Michigan League for Public Policy.

Josh Hoe, representing the Safe and Just Michigan.

Lois De Mott Pullano, representing the Citizens for Prison Reform.

Brandon Lanyon, representing the Prosecuting Attorneys Association of Michigan.

Noah Smith, representing the Criminal Defense Attorneys of Michigan.

Paul Stankewitz, representing the Michigan Catholic Conference.

The following people submitted a card in support of HB 5846, HB 5847, HB 5848, HB 5849, HB 5850, HB 5851, HB 5852 and HB 5853, but did not wish to speak:

Stephanie Johnson, representing the Michigan Association of Chiefs of Police.

Matt Saxton, representing the Michigan Sheriffs' Association.

There being no further business before the committee, Chair Filler adjourned the meeting at 11:44 AM.

Representative Graham Filler, Chair

Melissa Sweet
Committee Clerk
msweet@house.mi.gov